

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF POSITIVE ENERGY ELECTRICITY)
SUPPLY, LLC FOR A CERTIFICATE TO)
PROVIDE ELECTRIC SUPPLY SERVICES) PSC DOCKET NO. 13-346
WITHIN THE STATE OF DELAWARE)
(FILED AUGUST 27, 2013))

ORDER NO. 8463

ELECTRIC SUPPLIER CERTIFICATE

This 8th day of October 2013, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on August 27, 2013, Positive Energy Electricity Supply, LLC ("Positive Energy" or the "Company") filed an application (the "Application") pursuant 26 Del. C. §1001 - §1020, The Electric Utility Restructuring Act (the "Act") and 26 Del. Admin. C. §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules")¹ seeking certification as a retail electric supplier in order to broker the sale or purchase of Electric Supply Service; and

WHEREAS, in the Application, the Company states it is seeking certification as a Broker² that will utilize appropriate energy procurement strategies to meet the needs of Residential and Small Commercial Customers in Delaware; and

¹ Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in the Act and the Supplier Rules.

² Pursuant to §1001(3) of the Act, "Broker" is defined as a person or entity that acts as an agent or intermediary in the sale or purchase of, but that does not take title to, electricity for sale to retail electric customers." Although a Broker never takes "title" to any electric supply product, §1001(14)(c) of the Act deems a broker an "Electric Supplier."

WHEREAS, Staff reports that the Application fulfills all of the requirements for an Electric Supplier Certificate to act as a Broker as set forth in the Supplier Rules. In particular, Staff reports that the Company appears to possess the financial, operational, managerial, and technical capabilities to operate as a Broker of Electric Supply Service. Therefore, Staff recommends that the Commission issue an Electric Supplier Certificate authorizing the Company to broker sales and customer purchases of Electric Supply Services in the State of Delaware;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. Positive Energy is hereby granted a certificate to do business and operate as an "Electric Supplier" (Broker) within the State of Delaware. Under this Electric Supplier Certificate, the Company is authorized to broker Electric Supply Service within the State of Delaware consistent with and in accordance with the Act and the Supplier Rules;

2. Positive Energy is hereby notified that a violation of any applicable order, statute, regulation, rule, or other controlling authority may be enforced by sanctions permitted by §§1012(a) and 1019 of the Act and §3001-10.2 of the Supplier Rules.

3. Positive Energy shall file such reports and pay such fees and assessments as may be required or imposed by §§114, 115 and 1012(c)(2) of the Act and §§3001-3.9 and 3.10 of the Supplier Rules.

4. Positive Energy consents to the jurisdiction of the courts of the State of Delaware for all acts or omissions related to its offering of Electric Supply Services in this State.

5. Positive Energy is hereby placed on notice that the costs of this proceeding will be charged to it pursuant to §114(b)(1) of the Act.

6. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary